

Amendments to the Drawings:

The drawing sheet attached in connection with the above-identified application containing Figure 4 is being presented as a new formal drawing sheet or sheets to be substituted for the previously submitted drawing sheet or sheets. The drawing sheet containing Figure 4 has been amended. Appended to this amendment is an annotated copy of the previous drawing sheet which has been marked to show changes presented in the replacement sheet of the drawing.

The specific change which has been made to Figure is the replacement of the term “file” with “folder” in item 50.

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 8, 12, 14, 17, 20, 22, 23, 30 and 40 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-48 are now pending in this application.

In the May 1, 2007 Office Action, the Examiner objected to claims 8 and 12 due to a pair of typographical errors. In response to this objection, Applicant has made the corrections suggested by the Examiner. Applicant has also made a number of other minor amendments to the claims, either correcting antecedent basis-related issues or removing explicit references to individual steps, as such language is not necessary to fully understand the respective claims. Lastly, Applicant has made a minor correction to Figure 4. In particular, Applicant has amended Figure 4 to replace the term “file” with “folder” in item 50 so that the Figure accurately corresponds to the paragraph [0033] of the specification, which clearly notes that it is a folder (and not a file) which is opened at this point in the Figure.

In each of the above amendments, Applicant does not intend to narrow the scope of the respective claims or the application as a whole. If the Examiner has any questions concerning this issue, he is encouraged to contact the attorneys for Applicant at his earliest convenience.

The Examiner rejected claims 40-48 under 35 U.S.C. §101 for, in the Examiner’s view, being directed to nonstatutory subject matter. In response to this rejection, Applicant has amended claim 40 to recite the computer program product as being embodied in a computer-readable medium. As discussed in paragraph [0035] of the present application, for

example, such a program can be carried out at both the device level and the application level, and paragraph [0036] clearly describes a memory 68 as being usable, for example, to implement the various processes of these claims. Originally filed claim 30 also includes support for this feature. Therefore this amendment to claim 40 and its respective dependent claims has more than sufficient support in the application as originally filed. However and notwithstanding the above, Applicant also notes that the current rules as to what constitutes statutory subject matter is currently under review in the United States Patent and Trademark Office. Applicant therefore reserves the right to reintroduce the original claims, without the added text, at a later date.

The Examiner rejected claims 1-48 under 35 U.S.C. §102(b) as being anticipated by U.S. Publication No. 2002/0041291 (Vale), with the Examiner asserting that all of the features of the claims being found in this reference.

In response to the Examiner's rejections, Applicant has amended independent claims 1, 20, 30 and 40 to more particularly describe how the determining of whether there was a file previously selected from the file list (and thereby the later processes) are conducted in response to the accessing of the file list. This feature is discussed, for example, at paragraph [0033] of the present application and is graphically depicted in Figure 4. This system serves to greatly reduce the amount of scrolling that otherwise would be necessary in certain situations, as the user automatically directed to the next file in the file list without having to perform any action other than to access the file list, i.e., have the file list made available for use. Paragraphs [0040]-[0042] delineate some of the benefits which can be achieved by various implementations. For example, paragraph [0041] notes that if a user is browsing through a file system and wishes to pick a few files to be added one by one, the system conveniently points to the location in which browsing was previously interrupted.

In contrast, Vale neither teaches nor suggests a system where the determining processes and other processes occur in response to the accessing of the file list.¹ Instead, Vale

¹ In addition to the arguments presented herein, Applicant also notes that Vale never teaches or even mentions the selection and/or highlighting of actual files. Instead, Vale only discusses the use of "interactive elements" such as "links and form controls." (See paragraph [0005]). As files and file lists are never mentioned in Vale, this is an additional reason why any rejection of the claims under 35 U.S.C. §102(b) is improper.

is directed to a system and method for browsing content using a particular navigation mode, with the navigation mode explicitly involving the use of a direction key by the user. It is only through the use of this direction key that subsequent items or files are selected and/or highlighted. This is discussed clearly in paragraph [0010] of Vale, for example:

In navigation mode, pressing a direction key selects the next interactive element in the direction indicated by the direction key (e.g., up, down, left, right). When moving horizontally, an interactive element is in the direction indicated by the direction control if the interactive element is at substantially the same vertical level. For example, if a later element overlaps a previous element on a given vertical level by any amount, the two elements are considered to be at substantially the same vertical level. Vertical movement is to an interactive element at the next vertical level in the direction indicated by the direction control. If multiple interactive elements lie at the next vertical level, the one closest in the horizontal direction to the beginning of the current interactive element is selected.
(emphasis added).

This feature is more specifically described at paragraphs [0040] of Vale, where it is explicitly noted that the operation of the navigation mode involves the receipt of a direction input 320. Continuing to paragraph [0041], it is noted that the selection of the next interactive element is dependent upon the direction of the direction input 320, e.g., how the four-direction and action key 210 is manipulated. In other words, Vale clearly describes a system where any determining and selection of a “next” item in a list occurs in response to an action other than simply accessing the list.

In rejecting the independent claims, the Examiner relied upon paragraph [0055] of Vale to support his position that Vale teaches determining if there was previously a file selected from a file list. However, this reliance is deficient in several respects. First, paragraphs only deals with the use of checkboxes and radio buttons that can move between one of two states (as noted in paragraph [0054]). Neither of these constitute a file previously selected from a list. Second, even if a checkbox or a radio button constitutes a file (which they don’t), the determination of the state of these items is still not being performed in response to the accessing of a file list. One only has to look at paragraph [0054] and its associated Figure 7 to see that the initiation of the process at issue occurs, not in response to a

list being accessed, but to an action input 720 being received, with an action input comprising, for example, a four-direction and action key 210 as described in paragraph [0036]. Therefore, even if the Examiner could rely upon the “that was previously chosen” language of paragraph [0055], this paragraph still would not support any determining occurring in response to the access of a file list.

The Examiner also relied upon paragraph [0058] to support his position that Vale teaches determining if there is a next file listed relative to the previously selected file. However, this fails for reasons similar to those described above with regard to paragraph [0055]. In fact, the Examiner’s own cited language supports Applicant’s position that the actions at issue do not occur in response to the accessing of a file list. In particular, the Examiner noted in the May 1 action that this section teaches an “interactive element based on the received direction input relative to a previously selected interactive element.” (emphasis added). This is also graphically represented in Figures 9A, with the interaction of a direction input 934a having to occur before any subsequent activities. Similarly, the highlighting of the next selected interactive element, as identified by the Examiner in paragraph [0065], also occurred only after and in response to the receipt of a specific direction input 934c (*see also* Fig. 9C).

As the feature of having the determining of whether there was a file previously selected from the file list, and by association the subsequent processes, conducted in response to the accessing of a file list is not taught anywhere in Vale, Applicant submits that each of independent claims 1, 20, 30 and 40 and their respective dependent claims are allowable over the prior art.

In addition to the above, Applicant also notes that various other features found in the dependent claims are also absent from Vale. For example, claims 18, 26 and 45 teach saving a file name identifying a selected file. The Examiner referred to Figure 4 of Vale in supporting the rejection of these claims. However, Figure 4 neither teaches nor suggests any saving function whatsoever, nor does it identify files. In fact, and as noted in Footnote 1 above, the use of files is not taught anywhere in Vale. As such, the rejection of these claims under 35 U.S.C. § 102 cannot stand for these reasons as well.

Still further, claims 19, 27 and 46 each describe the saving of an index corresponding to a selected file in the file list. This feature is entirely absent from Vale. In rejecting these claims, the Examiner relied upon paragraph [0045], but this section says nothing about saving an index number of a selected file or item. Instead, this section only talks about how elements are selected (not saved) in numerical order. This section does not teach the saving of anything, much less the saving of index numbers.

The above are just representative examples of various elements in the dependent claims which are completely absent from Vale, constituting further grounds why the Examiner's rejections under 35 U.S.C. §102 are improper.

For all of the above reasons, Applicant submits that each of claims 1-48 are patentable over Vale.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for

such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date: July 31, 2007

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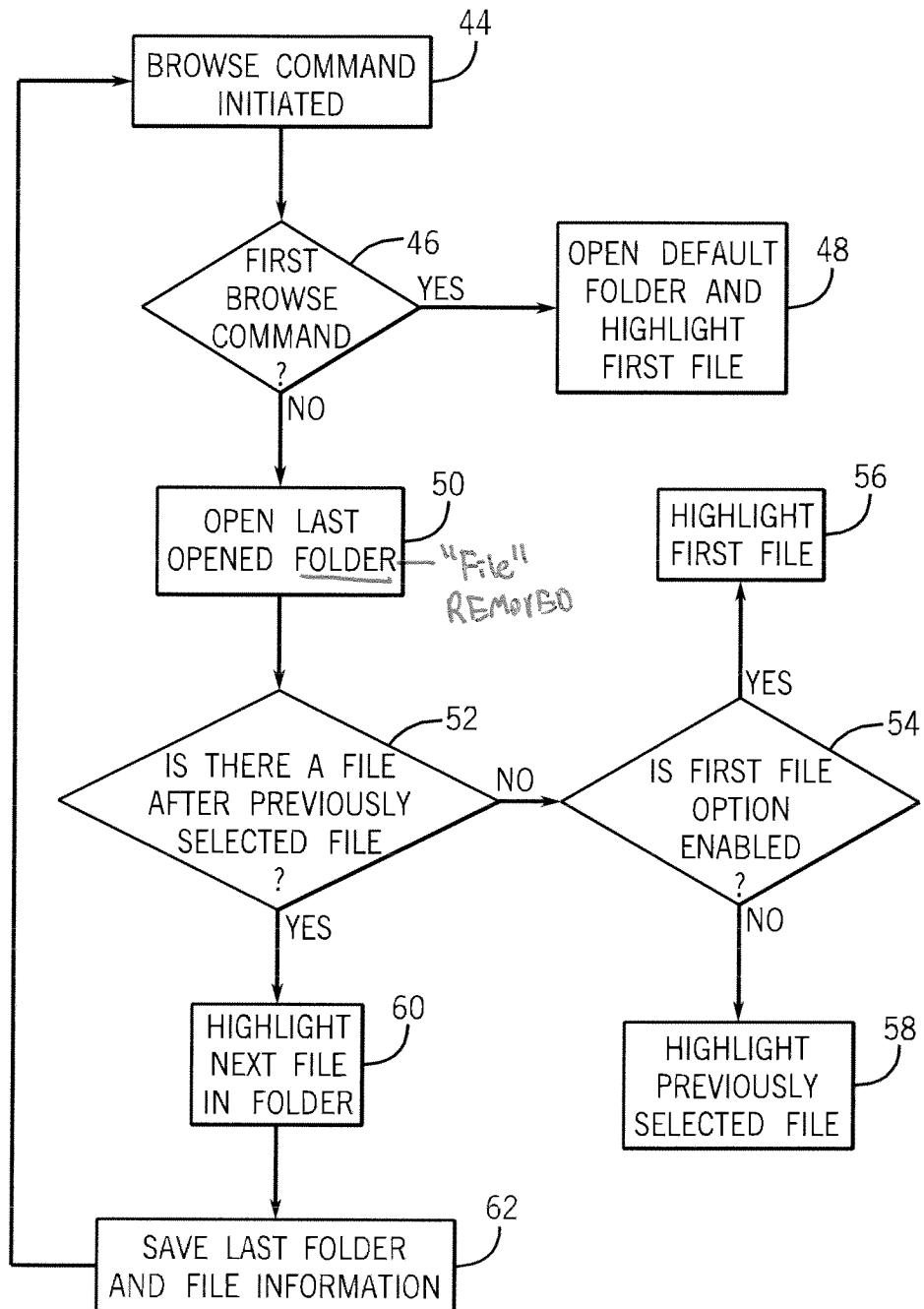


FIG. 4